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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JILBERTO GUZMAN-OSORIO,

12 Petitioner,

13 v.

14 IMMIGRATION AND CUSTOMS
15 ENFORCEMENT FIELD OFFICE
16 DIRECTOR,

17 Respondent.

18 CASE NO. 2:24-cv-01203-JHC-GJL

19 REPORT AND RECOMMENDATION

20 Noting Date: October 11, 2024

21 The District Court has referred this 28 U.S.C. § 2241 action to United States Magistrate
22 Judge Grady J. Leupold. Petitioner Jilberto Guzman-Osorio, proceeding *pro se*, filed a proposed
23 Petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on August 5, 2024. Dkt. 1.
24 Petitioner did not pay the filing fee or submit an Application to Proceed *In Forma Pauperis*
25 (“IFP”). *See* Dkt. 1. On August 12, 2024, the Clerk of Court sent Petitioner a letter notifying
26 Petitioner that he had failed to meet the filing fee requirement and had not submitted a prison
27 trust account statement. Dkt. 3. The Clerk of Court instructed Petitioner to submit the \$5.00
28 filing fee or file an IFP Application. *Id.* The Clerk of Court also enclosed an IFP Application

1 form for Petitioner's convenience. *Id.* Finally, the Clerk of Court warned Petitioner that if he did
2 not respond to the letter by September 11, 2024, the action may be subject to dismissal. *Id.*

3 Petitioner has not responded to the Clerk of Court's letter, has not paid the filing fee or
4 filed an IFP Application, and has not submitted a prison trust account statement. As Petitioner
5 has failed to prosecute this case, the Court recommends this case be **DISMISSED without**
6 **prejudice.** Further, as Petitioner has not prosecuted this case, the Court finds an appeal would
7 not be taken in good faith.

8 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the parties
9 shall have fourteen (14) days from service of this report to file written objections. *See also* Fed.
10 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
11 *de novo* review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can result in a waiver of
12 those objections for purposes of appeal. *See Thomas v. Arn*, 474 U.S. 140, 142 (1985); *Miranda*
13 *v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations omitted). Accommodating the time
14 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on October
15 11, 2024, as noted in the caption.

16 Dated this 27th day of September, 2024.

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Grady J. Leupold
United States Magistrate Judge